

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Case No. 12-12020 (MG)

RESIDENTIAL CAPITAL LLC, et al,

Chapter 11

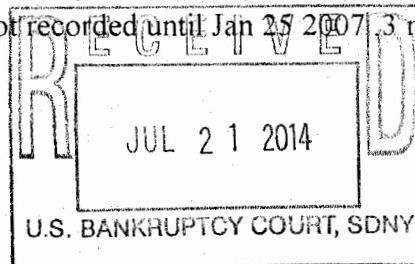
DEBTORS

Jointly Administered

MOTION FOR RECONSIDERED FOR CAUSE OR REHEARING
BORROWER CLAIM 4702 REINSTATE SIXTY – SECOND
OMNIBUS OBJECTION DOC.# 6815 AND DOCKET NO.7249
MEMORANDUM OPINION AND ORDER SUSTAINING
BORROWER CLAIMS TRUST OBJECTION TO CLAIM 4702
FILED BY TOMAS DIAZ APPEAL AND STATES AS FOLLOWS:

FACTUAL BACKGROUND
AND LEGAL BASIS FOR
FOR CLAIM NO.4702

1. On April 17, 2006, Mr. Diaz obtained a loan modification with Platinum Capital Group, refinancing his homestead property located at 5200 SW 122 ave Miami fla 33175 loan 10500352, in the amount of \$1000,000.00 Paying \$400,000.00 in consideration to Platinum Capital Group. Thus, Retaining \$400,000.00 in equity of such homestead property with Platinum Capital Group.(P.1) Debors RFC Owned my loan for only Eight Days in May 2006 and RFC put in the pocket in only 8 days my \$400,000. In equity in the property.
My Mortgage and Adjustable Rate Note Cancelled and endorsements by Fabricated and Changed Title in thousands of foreclosure cases by Ms. Judy Faber to Apply her Stamped Endorsement.(P1.a,b,c) Curiously I ask Deanna Horst, Ms.Judy Faber Work with Her or with RFC or Platinum Capital Group or Deutsche Bank Trust or Homecoming Financial? This Category Origination Issues Horst Declaration Exhibit 1
2. On May 24 2006 RFC bought the Loan from Platinum and then transferred The Loan to Deutsche Bank Trust Company Americas on June 1, 2006 (Supp.Horst Decl.(P14);Obj.Ex .A.) this assignment was not recorded on Public records. Why? Curiously Ms. Deanna Horst began association with ResCap in 2001 until 2014 Director, Responsible Lending Manager, Director of Quality Asset Managing, Vice President, Business Risk and Control, and many other charged
3. On October 26, 2006 MERS as nominee for Platinum to Deutsche Bank (P.2) Assignment a Mortgage this was not recorded until Jan 25 2007 3 months later.



4. On Oct 31 2006 Deutsche Bank Trust Company Complaint Civil Division Case No.06-23056 CA 11 with the Law Offices of Marshall C.Watson,PA, Plaintiff, vs Tomas Diaz, and others included MERS As nominee for Platinum Capital Group.(P.3)
5. On Oct 31 2006 The Complaint Alleges ; The original promissory note was lost or destroyed subsequent to Plaintiff's acquisition thereof, the exact time and manner of said loss or destruction being unknown to Plaintiff. I ask Ms. Deanna Horst ,when destruction being ? (see P.3)
6. On Nov 6 2006 one Affidavit of Indebtedness of Bethany Hood and Affian has personal knowledge of the books and records of the service Agent (Homecoming is the service).(P4).This category General Servicing Issues Horst Declaration Exhibit 1
7. Law Offices of Marshall C.Watson and Deutsche Bank Trust Company used one of the most confesed person with false job Titles and fabricated document ,false Mortgage Assignments the Name Bethany Hood.(P.5,P.6)
8. On Nov.29 2006 Defendant S Answer to Complaint (P.7)
9. Dec 18 2006 Deutsche Bank and Law Offices of Marshall C Watson Moves The Court for entry Motion for Summary Final Judgment of Foreclosure (P.8)
10. On Jan 16 2007 Deutsche Bank and Marshall C.Watson take This Action Final Judgment of Foreclosure.(P.9)
11. On 5 / 30 / 2007 RFC Affidavit of lost note.(P.9)(The same note Deutsche Said in 2006 was lost or destroyerd)I ask Ms.Deanna Horst Where Is my Original Note ? This category STANDING ISSUES Exhibit 1 Horst Declaration.
12. On May 31 2007 Deutsche Bank and Law Offices of David J Stern open a new Civil Case No.07-16754 CA 10 Recorded 06/07/2007 In the SameTime The other Case No.06-23056 CA 11 Is cotinuen open by The Law Office of Marshall C. Watson and Deutsche Bank.(P.10)Two Civil Case Against Me in the same time in The Court ,same loan ,same house. This category WRONGFUL FORECLOSURE Exhibit 1 Horst Declaration (P.10,a)
13. On Jun 01 2007 Deutsche Bank and Law offices of David Stern Case No. 07-16754 CA 11 Take Action Complaint to foreclose

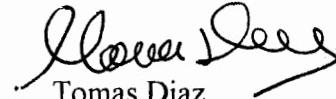
Mortgage and to Enforce Lost Loan Documents(P.11)

14. On Jan 23 2008 Case No.06-23056 CA 11 Deutsche Bank And Law Offices of Marshall C.Watson Ex parte Motion to Dissolve Lis Pendens Dismiss Complaint (P.12) Release Original Documents.(Never see any original documents). Defendant tendered sufficient funds to Reinstate the loan Which was the subject of this proceeding.
15. On Feb 01 2008 The Case No. 06-23056 CA 11 is Dismiss Complaint(P.13)(~~P.13A~~)
16. Investigation of Law Offices of Marshall C.Watson (P.14)
Page 2 (During this time period ,respondents have represented Mortgage in filling judgments and handled the subsequent Purchase of the foreclosed properties on behalf of the Plaintiff.)

CONCLUSION

Thus,Mr.Diaz respectfully request this Honorable Court to allow his new proof of claim 4702 and Motion for Reconsidered for cause this evidence .

Date : July 16 ,2014


Tomas Diaz
Pro se Appellant
Creditor
5200 SW 122 AVE
Miami, Florida 33175